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FILED

May 11, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Siobhan B. Krier
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ANTHONY M. MAGGIANO, M.D.
LICENSE NO. MA 49427

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon receipt of information that Respondent, Anthony M. Maggiano, M.D., issued a prescription to the Saddle Equestrian Center for Ketamine 50 mg./ml. on July 13, 2001. A review of Respondent's file revealed that his license to practice medicine and surgery and his Controlled Dangerous Substance ("CDS") registration expired on June 30, 1999. Respondent's Drug Enforcement Administration ("DEA") registration expired on January 31, 2002 and was retired on August 31, 2002. A Demand for Medical Records and Statement in Writing Under Oath were served on Respondent on February 4, 2003, requiring Respondent to address the circumstances

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surrounding his issuing the Ketamine prescription , as well as his care and treatment of patients G.M., F.B., Sr. and F.B., Jr.¹

Respondent's written response, along with medical records, was received on April 28, 2003. Respondent appeared before a Preliminary Evaluation Committee of the Board on September 17, 2003, represented by Robert J. Conroy, Esquire and testified about the foregoing. Respondent testified that he failed to renew his license when it expired in 1999 initially because he was in the process of absorbing his father's medical practice. Thereafter, he failed to renew because his medical malpractice insurance had lapsed. Respondent admitted that he maintained an active practice and continued to write prescriptions during the period of time his license and registration were expired.

An Administrative Complaint embodying the above allegations was filed in this matter on December 20, 2004. Respondent filed an Answer denying all counts on January 12, 2005. The matter was scheduled for consideration of the Attorney General's motion for summary decision on all counts of the Complaint on May 10, 2006.

Upon review of the available information, including Respondent's testimony, written statement under oath and the relevant medical records, the Board finds that Respondent allowed his license and registration to expire on June 30, 1999 and engaged in the unlicensed practice of medicine for approximately four-and-one-half years² while actively engaged in medical practice. The Board finds that Respondent

¹Patients' names are known to Respondent.

²Respondent was permitted to renew his license and registration on November 5, 2003.

continued to dispense CDS to patients after the expiration of his CDS license, for approximately four-and-one-half years following the expiration of his registration. The Board finds that Respondent failed to maintain medical malpractice insurance or to secure and maintain a letter of credit, as required by all physicians maintaining a professional medical practice and responsible for patient care. The Board finds that Respondent acted outside the lawful scope of practice on July 31, 2001, when he issued a prescription for Ketamine 50 mg./ml to Saddle Equestrian Center for use on a horse.

Based on the foregoing, the Board finds that Respondent has engaged in professional misconduct, in violation of N.J.S.A. 45:1-21(e); unlicensed practice of medicine, in violation of N.J.S.A. 45:1-7.1 and N.J.S.A. 45:9-6.1; prescribing outside the scope of lawful practice, in violation of N.J.S.A. 45:9-5.1, N.J.S.A. 45:9-18, N.J.A.C. 13:35-7.2 and N.J.A.C. 8:65-7.4; practicing medicine without medical malpractice coverage, in violation of N.J.S.A. 45:9-19.17 and N.J.A.C. 13:35-6.18; and failure to comply with the provisions of any act or regulation administered by the Board, in violation of N.J.S.A. 45:1-21(h).

The Board finding the within disposition to be adequately protective of the public health, safety and welfare, and it appearing that good cause exists for the entry of the within Order,

IT IS on this 10th day of May, 2006

ORDERED:

1. Respondent, Anthony M. Maggiano, M.D.'s license to practice medicine and surgery in the State of New Jersey shall be suspended for a period of four (4) years,

commencing within fourteen (14) days of the entry of this Order, with a minimum of seven and one-half (7 1/2) months to be served as active suspension and the remainder stayed, to be a period of probation, subject to the provisions of paragraph 5 herein.

2. Respondent has fourteen (14) days to wind-down his practice and refer his patients to other qualified practitioners.

3. Respondent shall immediately deliver his original license, biennial registration and State CDS registration to the State Board of Medical Examiners.

4. Respondent shall cease and desist from engaging in any function or service which falls within the scope of the practice of medicine and shall take no steps to renew his CDS registration unless or until his license is reinstated.

5. At the conclusion of seven and one-half (7 1/2) months from the date Respondent begins active suspension, Respondent may apply for reinstatement. Said application shall demonstrate with evidence to the Board's satisfaction that he is fit, competent and sufficiently rehabilitated to reenter medical practice. At the Board's discretion, said application may entail an appearance before a Committee of the Board. If the Board determines that Respondent's license shall be restored, Respondent shall be placed on probation in accordance with such conditions and restrictions as may be determined by the Board at that time including but not limited to the completion of educational courses and/or programs, limitations on practice and reporting/monitoring requirements.

6. Respondent shall be liable for a civil penalty in the amount of \$20,000. The sum shall be payable within ten (10) business days of the entry of this Order and

shall be delivered to and made payable to the State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

7. Respondent shall be liable for the payment of costs, including investigative costs in the amount of \$3,125.99 and attorneys' fees in the amount of \$19,585.50, for a total of \$22,711.49, plus interest as required by the Court Rules, and shall have eighteen (18) months to pay same in equal monthly installments.


8. Respondent shall take and successfully complete, at his own expense, a Board-approved professional ethics course. Board-approved courses shall be identified by the Board's Medical Director or Director of Education. Successful completion of a professional ethics course shall be accomplished prior to any application for reinstatement of Respondent's license.

9. Respondent shall take and successfully complete, at his own expense, a Board-approved professional controlled dangerous substances course. Board-approved courses shall be identified by the Board's Medical Director or Director of Education. Successful completion of a professional controlled dangerous substances course shall be accomplished prior to any application for reinstatement of Respondent's license.

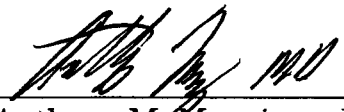
10. Respondent shall successfully complete two hundred fifty (250) hours of community service in a non-medical capacity, to be approved in advance by the Medical Director of the Board. Successful completion of the community service shall be accomplished prior to any application for reinstatement of Respondent's license.

11. Respondent shall observe the directives applicable to licensees whose licenses have been suspended or revoked, a copy of which is attached to this Order.

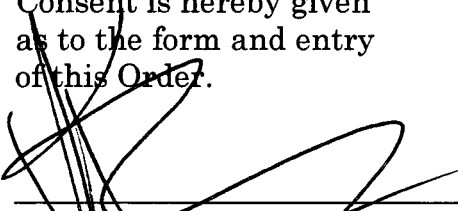
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: 
Sindy Paul, M.D.
Board President

I have read and understood
the Order. I agree to be
bound by its contents.


Anthony M. Maggiano, M.D.

Consent is hereby given
as to the form and entry
of this Order.


Robert J. Conroy, Esq.
Attorney for Respondent